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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,852	06/19/2003	Jin Teik Teh	03160-URS	8479

33804 7590 03/30/2007  
LIN & ASSOCIATES INTELLECTUAL PROPERTY  
P.O. BOX 2339  
SARATOGA, CA 95070-0339

EXAMINER
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PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,852	<b>Applicant(s)</b> TEH, JIN TEIK	
	<b>Examiner</b> Chirag R. Patel	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Huetsch et al. – hereinafter Huetsch (US 2002/0049842).

As per claims 1, 9, and 11, Huetsch discloses in a wireless data delivery system serving a plurality of types of wireless devices and a plurality of application servers, a method of virtual data hosting using a plurality of data hosting servers, said method comprising:

- (1). accepting data access requests from said devices; ([0028], [0050])
- (2). distributing said requests to a suitable data hosting server for processing; ([0050])
- (3). said suitable data hosting server process said request, and delivers requested data to said devices. ([0051])

As per claim 2, Huetsch discloses in the method of virtual data hosting as claimed in claim 1, wherein said suitable data hosting server has the same configuration as said application servers. ([0028])

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As per claim 3, Huetsch discloses the method of virtual data hosting as claimed in claim 1, wherein said distributing said requests step can distribute said requests to said data hosting servers scattered at different geographical locations. ([0033]; However, it is possible for all or some entities of the system shown in FIG. 3 to be part of a wide area network or public network)

As per claim 4, Huetsch discloses the method of virtual data hosting as claimed in claim 1, wherein said distributing said requests step is performed by a load balancer which determines the suitability of said data hosting server based on their work load. ([0057])

As per claim 5, Huetsch discloses the method of virtual data hosting as claimed in claim 1, wherein said distributing said requests step is performed by a load balancer which determines the suitability based on type of data requested. ([0057]; and the program requested within a client request message)

As per claim 6, Huetsch discloses a virtual data hosting system comprising:

- (1). a load balancer; ([0032])
- (2). a plurality of data hosting servers; ([0032])
- (3). a plurality of data store; and ([0031])
- (4). a network providing communication links between said load balancer, said data hosting servers and data stores. ([0032])

As per claim 7, Huetsch discloses a virtual data hosting system as claimed in claim 6, wherein said load balancer is a software program that determines the distributing of requests among said data hosting servers. ([0057])

As per claim 8, Huetsch discloses a virtual data hosting system as claimed in claim 6, wherein said data hosting servers have the same configuration as said application servers within the same cluster so that they can serve all the applications. ([0028])

As per claims 10 and 12, Huetsch discloses the apparatus as claimed in claim 9, wherein said memory is a harddisk. ([0031])

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://paired.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**